

REMARKS

Applicants thank the Examiner for the courtesy of a telephone interview conducted on December 5, 2006. At the interview, it was discussed that Claims 1, 5, 7 and 9 would be amended in order to avoid 35 U.S.C. §112, second paragraph rejection. Applicants have amended the claims in accordance with the Examiner's suggestion. It was also argued that the presently claimed invention is different in configuration and structure as compared to the cited prior art.

Claims 1-9 have been amended to conform to U.S. practice. Claims 10-15 have been added to further define the invention. Basis for new Claim 12 is found in Claim 8. Basis for new Claims 13-14 can be found on page 6, lines 12-14. No new matter has been incorporated by these amendments.

A. Drawings

The Examiner objected to the drawings under 37 CFR §1.83(a). The drawing must show every feature of the invention specified in the claims. Applicants request clarification regarding the objection.

B. Claim Objections

Claim 4 is objected to under 37 CFR §1.75(c) as being in improper form. It is submitted that the objection is rendered moot by the amendment of the claims

35 U.S.C. §112

Claims 1-3 and 6-9 were rejected under 35 U.S.C. §112, second paragraph as being indefinite. It is submitted that the rejection is rendered moot by the amendment of the claims

35 U.S.C. §103(a)

I. Claims 1, 3, 6-7 and 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Cattoire in view of disclosed art on page 6, lines 15-21 and Kellems et al. and Timm.

Cattoire, U.S. 6,896,341

Cattoire is directed to a storage assembly with expandable hanging closet with adjustable double hanging closet and having different configuration as compared to the present invention. The system of Cattoire is formed by horizontal and vertical elements of the similar depth. Moreover, all the shelves and drawers are also of similar depth. In addition, the system is self supported, i.e., it does not depend on walls. The configuration of Cattoire is totally different from the presently claimed system. Cattoire discloses several bars and defines a through hole.

In contrast, the system of the presently claimed invention is used in walk in closets and employs the wall of the closet for assembly. It comprises a main module, tower 10 with several shelves 11 assembled through screws. In addition, the chest of drawers have sliding elements and are lined with veneer strips through glue.

Kellems, U.S. 4,995,323

Kellems is directed to modular shelf assembly and hanger bar system. The assembly comprises a pair of horizontal brackets. Each bracket has a plurality of plank securing members. Each plank has a transverse cross section complimentary to a plank securing member and elastically engages the shelf brackets. It is submitted that Kellems uses shelf plank for securing shelf support.

Timm, U.S. 6,082,560

Timm is directed to a closet organizer suspension system having notched vertical poles, shelves, tension rods, hooked tension rod brackets and hanging rods. This suspension system has to be built against the walls; it cannot be built separately and then be fixed to the walls. The vertical poles of Timm are frontal. Moreover, the rod supporting hardware is very different and is integral with the metal tension straps. In this configuration, the distance of the rods to the back wall is approximately the same as the depth of all the shelves.

In contrast, the presently claimed invention is directed to closets which are assembled by screwing the vertical elements directly to the shelves, forming an element

that can then be fixed against the wall; the vertical elements depth is approximately half of the shelves depth and the shelves depth is significantly more than the distance from the back wall to the rods.

Cooper, U.S. 4,206,955

Cooper was cited to show that fasteners would allow to be used in the system of Cattoire without an end column.

Timm fails to teach that pipes are steel covered with PVC. In addition, the Examiner takes official notice that steel is a well known. However, Applicants submit that under 37 C.F.R §1.104, the Examiner is required to show data with specific reference to support facts and personal knowledge.

It is submitted that there is no motivation to combine Cattoire with the secondary references because Cattoire is directed to a self supported unit while Timm is not a self supported unit.

Accordingy, withdrawal of the rejection of Claims 1, 3, 6-7 and 9 under 35 U.S.C. §103(a) as being unpatentable over Cattoire in view of disclosed art on page 6, lines 15-21 and Kellems et al. and Timm is respectfully requested.

II. Claim 2 was rejected under 35 U.S.C. §103(a) as being unpatentable over Cattoire in view of disclosed art on page 6, lines 15-21, Kellems et al. and Timm and further in view of Balter.

Similarly, the arguments above with respect to Cattoire, Kellems and Timm apply to this rejection.

Balter, U.S. 5,582,306

Balter discloses a closet organizer which is assembled with vertical and horizontal panels of the same depth and uses perforations every 32 mm. The vertical panels have some machining done on the side that goes against the walls to allow the existence of skirting board and other elements commonly used in construction. The manner in which the vertical panels are put together provides the use of dowels.

In contrast, the presently claimed system employs thinner board and plastic profiles that provides an impression to the observer that it is a thicker board. The vertical

element depth is approximately half the depth of the shelves making the closet organizer lighter such that the user can transport the system easily and without difficulty. The system of the present invention uses plastic profiles to put together the upper and lower vertical panels. Moreover, the system of the present invention does not use dowels.

Accordingly, withdrawal of the rejection of Claim 2 under 35 U.S.C. §103(a) as being unpatentable over Cattoire in view of disclosed art on page 6, lines 15-21, Kellems et al. and Timm and further in view of Balter is respectfully requested.

III. Claim 8 was rejected under 35 U.S.C. §103(a) as being unpatentable over Cattoire in view of disclosed art on page 6, lines 15-21 and Kellems et al. and Timm and further in view of Wenger.

The arguments above with respect to Cattoire, Kellems et al. and Timm apply to this rejection.

Wenger, U.S. 4,596,195

Wenger is directed to a shelf cabinet with different configuration and structure as compared to the present invention. The shelf cabinet comprises a pair of spaced upright shelf supporting sidewalls formed with at least one pair of horizontal grooves for slidable and releasable mounting on the shelf. It is submitted that Wenger is directed to a self supported unit as compared to the presently claimed invention.

It is submitted that the presently claimed invention describes the storage systems as walk-in closets. The presently claimed system which is of approximately half depth vertical elements that are used are separated from the wall and allows skirting board in the manner which transmits the weight of the system and all the load stored in the closet directly to the floor.


Accordingly, withdrawal of the rejection of Claim 8 under 35 U.S.C. §103(a) as being unpatentable over Cattoire in view of disclosed art on page 6, lines 15-21 and Kellems et al. and Timm and further in view of Wenger is respectfully requested.

In view of the above remarks, it is respectfully submitted that the claims are in condition for examination. In the event that there are any problems which can be expedited by telephone conference, the Examiner is invited to telephone the Applicant's undersigned attorney at the telephone number listed below.

In re Orozco
U.S. Application Serial No. 10/812,441
Response to Office Action dated August 14, 2006

Respectfully submitted,
LAW OFFICE OF CARMEN PILI EKSTROM

Attorney Docket No. MX/JFC04-GO-02
Date: December 14, 2006
727 Sunshine Dr.
Los Altos, CA 94024
(650) 960-1936

By: 
Carmen Pili Ekstrom
Registration No. 34,981